

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:

Tanese Renee Newton-Love

Debtor.

Case No. 23-31747-KLP

Chapter 13

Santander Consumer USA Inc.,

Plaintiff,

v.

Tanese Renee Newton-Love
and
Suzanne E. Wade, Trustee,

Defendants.

NOTICE

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WISH THE COURT TO GRANT THE RELIEF SOUGHT IN THE MOTION, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE MOTION, THEN WITHIN 14 DAYS FROM THE DATE OF SERVICE OF THIS MOTION, YOU MUST FILE A WRITTEN RESPONSE EXPLAINING YOUR POSITION WITH THE COURT AND SERVE A COPY ON THE MOVANT. UNLESS A WRITTEN RESPONSE IS FILED AND SERVED WITHIN THIS 14-DAY PERIOD, THE COURT MAY DEEM OPPOSITION WAIVED, TREAT THE MOTION AS CONCEDED, AND ISSUE AN ORDER GRANTING THE REQUESTED RELIEF WITHOUT FURTHER NOTICE OR HEARING.

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Counsel for Plaintiff

IF YOU MAIL YOUR RESPONSE TO THE COURT FOR FILING, YOU MUST MAIL IT EARLY ENOUGH SO THE COURT WILL RECEIVE IT ON OR BEFORE THE EXPIRATION OF THE 14- DAY PERIOD.

A HEARING TO CONSIDER THE RELIEF REQUESTED IN THIS MOTION IS SCHEDULED FOR DECEMBER 20, 2023 AT 9:30 AM IN THE UNITED STATES BANKRUPTCY COURT, 701 EAST BROAD STREET, ROOM 5100, RICHMOND, VIRGINIA.

MOTION FOR RELIEF FROM STAY

NOW COMES Santander Consumer USA Inc., by counsel, and states as follows as its Motion for Relief from Stay against Debtor:

1. This Court has jurisdiction over the matters herein alleged pursuant to 28 U.S.C. § 1334. This matter constitutes a core proceeding within the meaning of 28 U.S.C. § 157 and is a contested matter under Rules 4001 and 9014 of the Federal Rules of Bankruptcy Procedure.

2. Debtor herein owns an interest in the following motor vehicle, to-wit: a 2019 CHEVROLET CRUZE, VIN 1G1BE5SM4K7145309 (the “vehicle”).

3. Plaintiff, Santander Consumer USA Inc., is a secured creditor of Debtor, being secured by a security agreement on the vehicle with its lien duly recorded on the certificate of title.

4. On May 19, 2023, Debtor filed a petition for relief under 11 U.S.C. Chapter 13. Debtor has filed a Chapter 13 plan.

5. Under the terms of the plan, Debtor proposed to pay Plaintiff post-petition payments outside of the plan.

6. Debtor is in default in the making of the post-petition payments and is presently due for the July 12, 2023 through November 12, 2023 payments for post-petition arrearages totaling \$927.30 with a payoff of approximately \$8,960.75 on the security agreement. Plaintiff

has incurred attorney's fees and costs for filing this Motion.

7. That Plaintiff lacks adequate protection.

8. For the above and foregoing reasons, Plaintiff asserts that cause exists sufficient to waive the requirement of Bankruptcy Rule 4001 (a)(3), therefore allowing the Order granting the relief sought to be effective upon its entry.

WHEREFORE, Plaintiff moves the Court for relief from the automatic stay pursuant to 11 U.S.C. § 362 so that it may proceed under state law.

Santander Consumer USA Inc.

/s/ Sara A. John
Sara A. John
M. Richard Epps, P.C.

Certificate of Service

I hereby certify that on November 30, 2023, I mailed or electronically served a true copy of this Notice and Motion for Relief from Stay to: Suzanne E. Wade, Trustee, 7202 Glen Forest Drive, Ste. 202, Richmond, VA 23226; Laura Taylor Alridge, Counsel for Debtor, P.O. Box 11588, Richmond, VA 23230-1588; and Tanese Renee Newton-Love, 301 N. Dunlop Street, Apt. 118, Petersburg, VA 23803.

/s/ Sara A. John
Sara A. John
M. Richard Epps, P.C.